

**NEW HAMPSHIRE BOARD OF NURSING  
MINUTES  
May 16, 2013**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting		<p>Meeting called to order at 8:00 a.m. with R. Duhaime, Chair, presiding</p> <p>Board members present: K. Baranowski (KB), C. Smith (CS), B. Fersch (BF), K. Kidder (KK), N. Fortin (NF), T. Collins (TC).</p> <p>Board members absent: J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. Tetreault (LT)</p> <p>Board staff absent: D. Nies (DN)</p>
1.1 Open Forum		
1.1.1 Support for needle thoracentesis	<p>Representatives requested that Board reconsider March 21 opinion that needle thoracentesis is not within RN scope of practice. Considerations include:</p> <ul style="list-style-type: none"> <li>• Delay of less than minute in needle compression may result in death.</li> <li>• Benefits outweigh risks</li> <li>• Emergency nurses are taught skill in Trauma Nurse Core Course</li> <li>• Physician/provider is not always readily available in 13 critical access hospitals in State</li> <li>• In event of mass casualty, providers may be caring for other critical patients and timely decompression of tension pneumothorax is essential</li> </ul>	<p>After review of previous ruling, M/KB, S/KK to adopt language of South Carolina Board of Nursing to acknowledge that needle decompression is within role and scope of responsibilities of RN with special education and training in emergent situations to relieve tension pneumothorax. This procedure should be in accordance with standards of Emergency Nurses Association, American Association of Critical Care Nurses, American Academy of Pediatrics, American Heart Association, National Flight Nurses Association with Air-Medical Crew National Standard Curriculum.</p> <p>Recognizing that this responsibility is considered an additional act of RN and requires special education and training, appropriate written policies, procedures, and standing orders should be developed which specify qualifications, special education and training to include didactic and</p>

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1.2 Addendum 1.2.1 Additions		clinical competency verification components, and emergent conditions/specific patient situations wherein RN is authorized to perform needle decompression for tension pneumothorax.  1.1 Letters of support for needle thoracentesis 7.1.3.1 J. Simonen - Amended list of witnesses and exhibits 7.3.1 M. McCabe Motion for Reconsideration Hearing Counsel's Objection to Motion for Reconsideration 9.1.17 Determination of nursing active-in-practice activities 11.3.5 LPN/RN competencies (LT) 15.1 Complaint process memo 15.2 Letter of Concern process memo
1.2.2 Deletions	None	
1.2.3 Appearances		7.1.1 J. Whitehouse 8:45 a.m. 7.1.2 WMCC 9:15 a.m. 7.1.3 J. Simonen 9:45 a.m. 7.1.4 J. Shevlin 10:15 a.m. 11.3.1 M. Kiessling (via phone) 1:00 p.m. 9.1.1 S. Tetreault 1:05 p.m. 9.1.2 L. Rowe 1:25 p.m. 9.1.3 R. Bernier 1:30 p.m. 9.1.4 A. Letendre 1:35 p.m. 9.1.5 K. Harrington 1:40 p.m. 9.1.6 D. Gagnon 1:45 p.m. 9.1.7 H. Maxham 1:50 p.m. 9.1.8 J. Malczon 1:55 p.m. 8.2.1 E. Keith, ME compact 2:00 p.m. 9.1.9 K. Stickney 2:05 p.m. 9.1.10 S. Cherniawski 2:10 p.m. 9.1.11 K. Methot 2:15 p.m. 9.1.12 M. Patch 2:20 p.m. 9.1.13 B. Stewart 2:25 p.m. 8.1.1 K. Meehan, RN 2:30 p.m. 9.1.14 A. Hanson 2:35 p.m. 9.1.15 E. Ramirez 2:40 p.m.

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		9.1.16 T. Busick 2:45 p.m.
2.0 Approval of minutes 2.1 April 18, 2013	Reviewed and discussed.	M/NF, S/TC to approve minutes as written. Unanimous.
4.0 Report of Executive Director/Staff 4.1 Expense Summary Budget	FYI.	
7.0 Adjudicative (Investigator/Prosecutor) 7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions 7.2.1 M. Carabetta, LPN #010530-22	Previously reviewed.	M/NF, S/TC to approve Settlement Agreement as proposed. Unanimous.
15.0 Old Business 15.1 Board authority for Letter of Concern for failure to respond to Board request  15.2 Board authority for recused Board member to work with LO in recommendation for dismissals.	Pursuant to Nur 211.03, Board staff is required to request information from licensees who are listed as witnesses in submitted complaint. Total of 3 letters are sent to licensee to request information. Request to Board for permission to send Letter of Concern if no response is received after 3rd letter.  Board reviewed options to assist in creating more expedient and efficient process to address complaints.	M/BF, S/CS to send Letter of Concern from AG's office if no response after 2nd letter. Unanimous.  Review with Board attorney for recommendations.
7.0 Adjudicative (Investigator/Prosecutor) 7.1 Hearings 7.1.1 J. Whitehouse, LNA #042709-24	Hearing held in absentia for J. Whitehouse, LNA #042709-24, Docket #13-0403-0365-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 8:47 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), C. Smith (CS), K. Kidder (KK), N. Fortin (NF), T. Collins (TC). BF recused. Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Witnesses present to offer testimony: Stephanie Trombley, RN Olivia Cyr, LNA	BF recused. M/CS, S/KB to affirm Hearing Counsel's Proposed Findings of Facts #1 - #11; affirm Hearing Counsel's Proposed Rulings of Law #1 and #2; deny Proposed Sanctions #2 - #3; affirm Proposed Sanctions #4 - #7; amend Proposed Sanctions #1 to impose 1-year PROBATION and assess monetary penalty of \$250 to be paid within 90 days from effective date of Board's order. Unanimous.



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<p>7.1.4 J. Shevlin, LPN #014595-22</p>	<p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Respondent present to offer testimony. Witnesses present to offer testimony: Camille Kennedy, MSN, RNB C, Director of Behavioral Health Sciences, Concord Hospital Tiffany Crowell, RN, Nurse Manager, Concord Hospital Anne Lesperance, RN, Director, Emergency Dept., Concord Hospital Hearing concluded at 10:42 a.m.</p> <p>Hearing held for J. Shevlin, LPN #014595-22, Docket #12-1228-0350, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:53 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), C. Smith (CS), B. Fersch (BF), K. Kidder (KK), T. Collins (TC). N. Fortin (NF) recused. Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Respondent present to offer testimony. Attorney Janet Michael represented Respondent. Witnesses present to offer testimony: Lynne Ouellette, Director of Nursing, Holy Cross Health Care Hearing concluded at 12:35 p.m.</p> <p>M/NF, S/TC to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, KK, NF, BF, CS, TC Non-public session began at 12:37 p.m. and concluded at 12:56 p.m.</p>	<p>NF recused. M/KK, S/BF to affirm Respondent's Proposed Findings of Facts #1 - #21; and to affirm Respondent's Proposed Conclusions of Law #1 and #2. Unanimous.</p> <p>M/KK, S/BF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #5, deny #6; affirm #7 - #12; deny Proposed Rulings of Law #A and #B; amend Proposed Sanctions to DISMISS. Unanimous.</p>

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11.0 Practice Inquiries and Practice Committee Reports 11.3.1 RN Scope of Practice: Device Reprogramming Mark Kiessling, MPAS, PA	Mark Kiessling, MPAS, PA, Physician Assistant, Clinical Cardiac Electrophysiology Instructor in Medicine, Geisel School of Medicine at Dartmouth, was available by telephone to clarify his correspondence of March 28, 2013, asking for Board opinion of whether or not device reprogramming is within RN scope of practice.	Board consensus to send to P & E Committee for further recommendations.
9.0 Licensure 9.1 Licensure 9.1.1 S. Tetreault, LNA licensure  9.1.2 L. Rowe, LNA licensure  9.1.3 R. Bernier, LNA licensure  9.1.4 A. Letendre, LNA licensure  9.1.10 S. Cherniawski, RN Examination  9.1.12 M. Patch, LNA licensure  9.1.8 J. Malczon, LNA reinstatement  9.1.5 K. Harrington, LNA licensure	S. Tetreault presented oral testimony in support of petition to obtain LNA licensure in NH.  L. Rowe presented oral testimony in support of petition to obtain LNA licensure in NH.  R. Bernier presented oral testimony in support of petition to obtain LNA licensure in NH.  A. Letendre presented oral testimony in support of petition to obtain LNA licensure in NH.  S. Cherniawski presented oral testimony in support of petition to sit for NCLEX-RN.  M. Patch presented oral testimony in support of petition to obtain LNA licensure in NH.  J. Malczon presented oral testimony in support of petition for LNA reinstatement in NH.  K. Harrington presented oral testimony in support of	M/NF, S/TC to permit S. Tetreault to obtain LNA licensure in NH. Unanimous.  M/TC, S/NF to allow L. Rowe to obtain LNA licensure in NH. Unanimous.  M/NF, S/BF to allow R. Bernier to obtain LNA licensure in NH. Unanimous.  M/NF, S/KK to allow A. Letendre to obtain LNA licensure in NH. Unanimous.  M/NF, S/BF to allow S. Cherniawski to sit for NCLEX-RN. Unanimous.  M/KK, S/NF to allow M. Patch to obtain LNA licensure in NH. Unanimous.  M/KB, S/KK to allow J. Malczon to reinstate NH LNA license. Yea: KB, KK, CS, TC, RD, BF Nay: NF Motion carries.  M/KK, S/NF to allow K. Harrington to obtain

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9.1.13 B. Stewart, LNA licensure	petition to obtain LNA licensure in NH.  B. Stewart presented oral testimony in support of petition to obtain LNA licensure in NH.	LNA licensure in NH. Unanimous.  M/KB, S/NF to allow B. Stewart to pursue LNA licensure in NH. Unanimous.
9.1.11 K. Methot, LNA licensure	K. Methot presented oral testimony in support of petition to obtain LNA licensure in NH.	M/KB, S/NF to allow K. Methot to obtain LNA licensure in NH. Unanimous.
9.1.15 E. Ramirez, LNA Program	E. Ramirez presented oral testimony in support of petition to take LNA Program in NH.	M/NF, S/TC to allow E. Ramirez to take LNA Program in NH. Unanimous.
9.1.15 T. Busick, LNA Program	T. Busick presented oral testimony in support of petition to take LNA Program in NH.	M/KB, S/NF to allow T. Busick to take LNA Program in NH. Unanimous.
9.1.17 Determination of active-in-practice	Reviewed letter from licensee explaining job description to determine whether or not he can use hours as active-in-practice for nursing.	M/NF, S/KB to affirm that job description meets active-in-practice hours for nursing. Unanimous.
8.0 Adjudicative (Executive Director) 8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.1 K. Meehan, RN #057050-21  8.2 Compact Licensure 8.2.1 E. Keith Maine Compact licensure	  K. Meehan presented oral testimony in support of petition for removal of probation and all restrictions and conditions from RN license.     E. Keith worked in NH for one year without current RN license after ME RN Compact license expired on January 7, 2012. ME State Board of Nursing reinstated RN Compact license on March 8, 2013. Board reviewed and discussed whether E. Keith's privilege to practice in NH on ME Compact license should be restricted.	  M/KB, S/NF to remove probation and all restrictions and conditions from NH RN license. Unanimous.    M/NF, S/TC to draft Letter of Concern with copy to ME Board of Nursing. Unanimous.





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		validate RN.” LPN’s may validate another LPN or LNA.
7.0 Adjudicative 7.3 Motion for Reconsideration/Rehearing/Continuance 7.3.1 M. McCabe Motion for Reconsideration Hearing Counsel's Objection	Reviewed Matthew McCabe's Motion for Reconsideration.	Deliberation postponed until June meeting.
12.0 Committee Reports and Recommendations 12.1 HeM 1201  12.2 Day of Discussion 12.2.1 RN/LPN Day of Discussion  12.2.2 LNA Day of Discussion  12.3 ADA (NF, TC, AF)	No report.  Nothing scheduled at this time.  Scheduled for June 11. Registration form available on BON website.  No applicants.	
17.0 Adjournment	M/KK, S/CS to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board’s executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, JK, KK, NF, BL, BF, CS Non-public session began at 4:25 p.m. and concluded at 4:40 p.m.  Next regular meeting: June 20, 2013 8:00 a.m. NH Board of Nursing Education Conference Room 100 First Floor 21 South St Concord, NH 03301	Meeting adjourned at 5:00 p.m.   Respectfully submitted,  Denise Nies, MSN, RN, BC Executive Director